

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

**APPEAL NOS. 3 & 4 OF 2021**

Lingam Nagar Welfare Association,  
Rep. by V.Thirugnanasambandam S/o. A.Viswanathan,  
R/o.Lingam Nagar,  
Kuzhumani Road,  
Tiruchirapalli - 620 102.

... Appellant

Vs

1. The Chairman,  
The Tamil Nadu Pollution Control Board,  
Guindy, Chennai - 600 032.
2. District Environment Engineer,  
Tamilnadu Pollution Control Board,  
Thiruchirapalli.
3. The Commissioner,  
Thiruchirapalli City Corporation,  
Promenade Road,  
Cantonment,  
Trichy - 620 001.
4. The Commissioner,  
Thiruchirapalli City Corporation,  
Fecal Sludge Treatment Plant,  
Promenade Road,  
Cantonment,  
Trichy - 620 001.

... Respondents

  
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**REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENT NO. 3**

I, Sivasubramanian, Son of Mr.Subbiah, aged about 58 years, having office at Bharathidasan Salai, Cantonment, Trichy, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Commissioner of Tiruchirapalli Corporation, the 3<sup>RD</sup> Respondent herein and as I am such well acquainted with the facts and circumstances of the case from available records.
2. I state that the above appeals have been filed by the appellant to set-aside the Orders of Learned Appellate Authority, Tamil Nadu Pollution Control Board dated 15.07.2020 passed in Appeal Nos. 46 and 47 of 2018. I state that the affidavit filed in the above appeals may be treated as part and parcel of this reply statement.
3. I state that the Tiruchirapalli City Corporation is having an area of 167 Sq.km., and having a population of around 9,16,857 as per 2011 Census. There are about 2,28,518 people, who lives in the slums in the city (Census, 2011), roughly constituting about 25% of the total population (916, 857). The main area of the city has a centralized sewage network with a waste stabilization pond for treatment. However, there are a few areas within the Corporation limits which are not connected to the network sewerage and rely on on-site sanitation systems for containing the black water.
4. I state that the on-site sanitation infrastructures in the house hold levels are mostly septic tank and pits. The drainage waste gets filled over an interval, post which it requires to be desludged. Desludging is carried out using vacuum pumps owned by private operators or City Corporation. The sludge is currently



  
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being disposed at designated areas from where it travels through sewerage networks to waste stabilization pond. At times these desludging vehicles dispose in vacant or farm lands due to difficulty in access to the disposal sites. A designated treatment plant hence becomes necessary for safe handling and disposal of Faecal sludge.

5. I state that the Government of Tamil Nadu is taking steps to improve urban sanitation and as a first initiative the Tamil Nadu Urban Sanitation support program was conducted and many agendas were discussed including city sanitation planning. A Technical Support Unit (TSU) has been set up to assist the Government of Tamil Nadu to achieve full chain of sanitation in the urban locations. The Technical Support Unit has been setup under the Tamil Nadu Urban Sanitation support program in the Municipal Administration and Waster Supply Department. Under the said program Trichy City Corporation is chosen to demonstrate pilot projects along the sanitation value chain.
6. I state that taking safety and hygiene into consideration and to avoid unsecured disposal of Faecal sludge, the answering Respondent corporation proposed the Plan for which the Respondent Corporation sought the help from an organization viz., Indian Institute of Human Settlements, which is having requisite expertise in this field offered technical and financial support and thereafter a Memorandum of Understanding ("MoU") was entered into between this Respondent corporation and the Indian Institute of Human Settlement ("IIHS") on 21.09.2016.
7. I state that as per the MoU, IIHS has taken the responsibility for implementation of the Plant with a view to prevent environmental pollution and safeguarding the public health through the sage treatment and disposal of Faecal sludge. According to the MoU,



  
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the responsibility of IIHS for implementation of the treatment project also includes construction and commissioning of the treatment facility within the prescribed period. Therefore, this Respondent Corporation along with the above institution proposed the project to construct a pilot Faecal sludge treatment plant in Kasivilangi, Kulamani Road, Woraiyur, Block No. 12, T.S. No. 19/9 in the Corporation Lands.

8. I state that the public health consequences of inadequate urban water and sanitation services are severe. One in every ten deaths in India is from causes related to inadequate sanitation and hygiene (The Economic Impacts of Inadequate Sanitation in India, Water and Sanitation Programme, 2010). Faecal contamination also remains one of the main reasons for pollution of ground and surface water (Annual Report 2010-11, Central Pollution Control Board (CPCB), 2012), particularly in and around urban centres. Inadequate sanitation is also estimated to cause economic losses equivalent to 6.4 per cent of India's GDP (Water and Sanitation Programme, 2010).

9. I state that the adequate facilities and services for collection, transportation, treatment and disposal of urban domestic Faecal sludge are non-existent in majority of Indian cities. Most onsite sanitation facilities are emptied manually, in absence of suitable equipment by scavengers. Ideally, a septic tank system should be desludged regularly every 2-5 years. But ignorance towards Operation and Maintenance (O&M) procedures often results in accumulation of sludge at the bottom reducing the effective tank volume which leads to an overflow. This sequence of events ultimately causes failure of the system and release of partially treated or untreated Faecal sludge from the septic tank. Private desludging vehicle operators often dispose the Faecal sludge in drains, waterways, open land, and agricultural fields, thereby



  
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causing serious damage to the environment. It is to remedy this public hazard that the Faecal sludge treatment plant ("Plant") was initiated.

**10.** I state that Faecal sludge when not managed properly can cause: pollution of waterways including groundwater, serious implications on health and environment, Faecal sludge, which is rich in nutrients such as nitrogen and phosphorous, disposed untreated into surface water bodies, would pose a threat of eutrophication.

**11.** I state that when properly managed, the Faecal sludge can be a useful resource than a waste. The end products of FSTP can be used as a soil conditioner for farming as they are a rich source of Nitrogen, carbon and phosphorous, and for irrigation. Therefore, the instant Faecal sludge treatment plant has been proposed with an objective to create an enabling environment for scaling up Faecal sludge management solution.

**A. Legal Compliances**

**12.** I state that the Respondent Corporation sought permission from PWD, Trichy for discharging the treated waste water into Kudamuruti drain. After consideration and site inspection, vide letter dated 15.12.2016, it was recommended that permission would be granted, subject to certain conditions –

- i. Meet the permissible tolerance limits as issued by the Central Pollution Control Board
- ii. Tolerance limit to be tested periodically
- iii. Lean flow to be maintained in the drain
- iv. Inlet point into Kudamuruti drain to be provided with shutter arrangement etc.



  
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**13.** I state that the Consent Orders for Establishment of the proposed Faecal Sludge Treatment Plant were issued by the Tamil Nadu Pollution Control Board on 07.01.2017 under Section the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 after considering all the pollution norms with stringent conditions.

**14.** I state that all necessary permissions were obtained from the pollution control board and other departments to set up the Faecal sludge treatment plant and a sum of Rs. 3.27 crores is allotted to implement the above plant. The Faecal sludge treatment plant will be able to water to the treatment needs of more than 10,000 households to the sage disposal of Faecal sludge and will specifically benefit the properties in the neighbourhood covering about 5 to 6 wards. The de-sludging operators will also find it convenient to empty the septic tanks and bring the waste for treatment in the said Faecal sludge treatment plant. The treated waste water and the bio-manure are safe to release back into the environment, as it undergoes the necessary process. For the above said reasons the Faecal sludge treatment plant is not hazardous and certainly help for the hygiene environment.

**15.** I state that subsequent to the above said consent orders, this Respondent Corporation had commenced preliminary works for the said project in the 2<sup>nd</sup> week of January, 2017 and the local public was aware of the same since then.

**16.** I state that the Faecal sludge taken from septic tanks, pits and other onsite containment and from house hold septic tanks is conveyed to the treatment facility using the de-sludging truck available with this Respondent Corporation or private operators. The Ward Nos. 40, 45, 53, 57 and 60 of K-Abhisekapuram Zone which are not connected to the sewerage system were disposing the Faecal sludge into their septic tanks and hence these wards were utilized for the said project.



  
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## **B. Project Report on Faecal Sludge Treatment Plant**

**17.** I state that a detailed project report titled, "Detailed Project Report for Implementation of 32 KLD Faecal Sludge Treatment Plant in Tiruchirappalli" has been prepared under Tamil Nadu Sanitation Support Program for designing and construction of the FSTP. A perusal of the aforesaid project report gives an overview of the concept and procedure adopted for developing an efficient Faecal sludge treatment plant.

### **I. Approach Road**

**18.** I state that the proposed treatment plant has been planned to be set up at Kasivilangi located in the North West of the city which is at a distance of 5 kms from Chattiram bus stand. The proposed site is owned by the Tiruchirappalli City Corporation and has a total area of 4 acres out of which 1.5 acres is made available for FSTP construction. The site is well connected to important arterial roads of the city with an all-weather approach road.

### **II. Faecal Sludge Management**

**19.** I state that the proposed project in question is only to treat the Faecal waste generated from the household septic tanks within the limits of this Respondent Corporation. The following are the technical process of the proposed Faecal Sludge Management:-

- i. Waste from the toilets should be safely carried to a treatment facility - some neighbourhoods have Underground Drainage Systems (UGD or sewerage) that carry away the human wastes to a treatment plant.
- ii. Where there are septic tanks and pits, the Faecal matter (called sludge) needs to be periodically emptied and taken to a treatment plant to be treated.
- iii. If the Faecal matter from the above toilets leaks into the environment, either through exfiltration or seepage from the



  
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sewer pipes or is directly thrown into the open fields, it can cause smell, nuisance, and health problems apart from environmental problems.

iv. Tamil Nadu has been a pioneer in prioritizing water, sanitation and public health of the people, and has invested not only in sewerage and treatment plants, but also issued Operative Guidelines for Septage Management, i.e. Faecal sludge from septic tanks and pits. The State has now come up with an innovative plan of treating Faecal sludge and converting it into useful products such as bio-manure, by setting up Faecal Sludge Treatment Plants in urban locations.

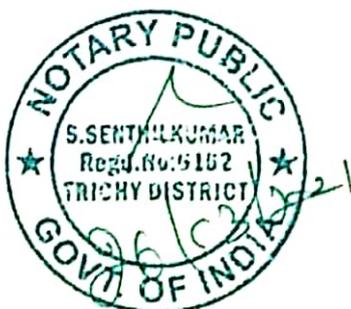
### III. Implementation of Faecal Sludge Treatment System

20. I state that the treatment concept for Faecal sludge treatment in Trichy town has been developed considering mainly

- a) Maximum treatment efficiency
- b) Hygienic and safe operation
- c) Minimum operations and maintenance requirements

21. I state that only certified and licensed Faecal sludge transporters to de-sludge and transport waste to the FSTP as per the Operative Guidelines for Septage Management for Local Bodies of Tamil Nadu. The transporters also have to fill in the form as prescribed by the ULBs which has details of waste identification, waste generator address and so on.

22. I state that the Faecal sludge received at the treatment facility would be treated in various stages using different treatment modules as described below:



  
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**i. Testing of incoming Faecal sludge**

The waste received at the site from the desludging vehicles (transporters) will be checked for the source of waste from the forms submitted by them. If the waste is of industrial origin, it will not be accepted. The waste will also be sampled and tested by the plant operator for assuring that the waste is not of industrial origin.

**ii. Pre-treatment**

The desludging truck carrying Faecal sludge will be directed to a receiving point inside the treatment facility. The Faecal sludge received at the treatment facility will be discharged into the screen and grit chamber (four in number) by means of gravity where it undergoes pre-treatment without any exposure to the desludging operator. Large and inorganic solids are trapped in this using a vertical screen and Grit chamber.

The solids collected at this chamber is removed regularly and dumped along with municipal solid waste arrangement made by TCC.

**iii. Sludge stabilization**

The liquid sludge (mixture of liquid and solids in slurry form) from screen and grit chamber is further conveyed to a Sludge Stabilization Reactor (four in number) through gravity for treatment. The main objective of this treatment system is removal of degradable organic substance and for improving its dewatering ability.

The tank has three chambers, the first chamber of the stabilization tank acts as a homogenization reactor, where the organics are mixed thoroughly. The second chamber provides a digestion zone for anaerobic treatment of organics present in the faecal sludge. The third chamber is a designed for 1-day



  
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retention time to collect digested sludge and pump it to further treatment modules.

**iv. Sludge Drying**

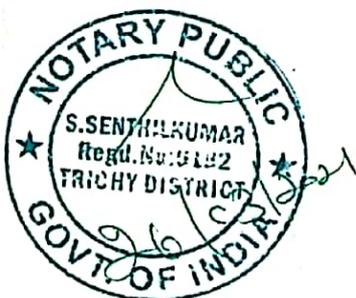
The solids collected at the bottom of the stabilisation reactor in the form of slurry are pumped to sludge drying beds. The sludge drying beds are structures with sloped base for holding graded filter media. The sludge undergoes liquid-solid separation and also drying. The percolate from the sludge drying bed is collected and conveyed to the Integrated Settler and AF for further treatment. The dried sludge from the drying beds are removed periodically and transferred to the sludge storage shed located within the premises.

**v. Sludge percolate treatment**

- a. The percolate from the sludge drying bed is subjected to anaerobic treatment in the settler integrated with an Anaerobic Filter. It is proposed to provide a settler before the anaerobic treatment to trap solids. Anaerobic Filter is used for removal of organic matter in the percolate.
- b. The treated wastewater from the anaerobic filter is further treated using a Vertical Planted Gravel Filter (VPGF). It helps in infusion of oxygen into the passing wastewater, thereby reducing of organic matter, removal of nutrients, removal of odour, colour.

**vi. Tertiary Treatment**

A module consisting of sand and carbon filter, and UV treatment is planned for tertiary treatment. It is likely that the effluent from VPGF will meet TNPCB, 2017 standards. This tertiary treatment shall be optional and will be implemented if required.



  
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#### IV. Design Description

23. I state that the treatment plant is subdivided into four decentralized units of 8 cum each within the FSTP site. There are 4 Screen and grit chamber, 4 Stabilization reactors and 48 sludge drying beds (12 for each stabilization tank). However, there is a common percolate treatment facility for 32 KLD in the form of a DEWATS with a unit of integrated settler and anaerobic filter (includes a settler and three chambers of anaerobic filter) and two numbers of vertical planted gravel filter and a final collection tank.

#### V. End Products

24. I state that after undergoing these 6 stages it results into two end products namely (1) Bio solids and (2) Treatment Water. Thereafter again it was treatment (Bio-manure) and the treated bio solids can be used as a soil conditioner for farming as they are rich in nitrogen, carbon and Phosphorus. The treated water can be reused for irrigating plantations in the nearby farm lands. The remaining unused treated sewage water would be discharges into Kudamurti drain and for which proper permission is also obtained from the appropriate department. Hence, the above plant is pathogen free odourless and would not harm the environment and the human beings.

#### VI. Process of Faecal Sludge Treatment Plant

25. I state that the entire work of the Faecal Sludge Treatment Plant can be divided into three stages:

- i. Collection of Faecal Sludge from the septic tanks of residential homes – this is done by de-sludging operators; their job will be easier if there is an FSTP nearby.
- ii. Treatment at the Plant - the FSTP will be able to treat Faecal sludge brought by de-sludging operators at the FSTP using a scientific, safe and environmentally sound technology.
- iii. CPCB and TNPCB Standards and by-products: The treatment will be done to meet the stringent standards specified



  
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by the Pollution Control Board. The resulting treated wastewater and bio-solids can be used for irrigation, farming, etc. without any danger to public health or environment. In fact, these will be environment friendly and sustainable since the plant will not use too much energy.

## VII. Benefits of Faecal Sludge Treatment Plant

26. I state that following are the benefits of the Faecal sludge treatment plant:

- i) Improved de-sludging and immediate local treatment.
- ii) De-sludging operators will be facilitated by having an FSTP nearby – no need for transporting over long distances, or dumping in non-designated locations.
- iii) Proper management of human excreta can go a long way in creating a healthy society. Expected reduction in diseases because of less untreated excreta in the environment.
- iv) Opportunity to sell bio-manure or use it locally in the FSTP for gardening etc.

27. I state at the very outset that the Faecal Sludge Treatment Plant (hereinafter referred to as "FSTP") is distinct from other treatment plants. As far as FSTP is concerned, only 'faecal waste' generated from households are collected and treated. The sludge would be rejected if the collected waste includes any other waste other than faecal waste.

28. I state that since 25% of the population in Trichy Corporation have septic tanks which are desludged by private persons and the waste is discharged in open lands, agricultural fields and water bodies, the FSTP has been introduced where licensed transporters carry the waste to the FSTP.

29. I state that the faecal waste undergoes a 6 stage process that is listed below (the details of the process are elaborately



  
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submitted in the status report and the same is not repeated for the sake of brevity):-

- (i) Testing of Incoming fecal sludge
- (ii) Pre-treatment
- (iii) Sludge stabilization
- (iv) Sludge drying
- (v) Sludge percolate treatment
- (vi) Tertiary treatment

**30.** I state that one of the major advantages of FSTP is that the end product of the treatment is Bio solids and water – both exigent for the environment and human settlements.

**31.** I state that the first round of litigation was when the Worayur Village Agricultural Sangam filed W.P. No.1785/17 praying for issuance of a Writ of Mandamus, to forbear the respondents from establishing any unit in S.F.No.159 of Pandamangalam Village, Trichy District as against the Master Plan approved by the first respondent therein. The main contention of the writ petitioner therein was that establishing the unit in question would run counter to the zoning classification in the master plan and that there would be a grave environmental hazard. Subsequently, ON 05.04.2017 Trichy Corporation 05.04.2017 vide Gazette Notification Re-classified the land where Plant is being constructed from 'Semi Pulice Zone' to "Industrial Zone".

**32.** I state that after the reclassification, the Hon'ble High Court vide order dated 24.08.2017 held as follows:-



  
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3. The learned standing counsel appearing for the Trichy Corporation filed his counter affidavit and also a typed set of papers pointing out that zone in question had already been re-classified and therefore there cannot be any objection for establishing the unit in question.

4. The learned counsel for the writ petitioner contended that the environment impact has not been taken into account at all by the authorities concerned.

5. We are not inclined to go into the merits of this case. We are of the view that the writ petition is liable to be dismissed on the ground that the writ petitioner can very well move the National Green Tribunal, Chennai. The said judicial forum has been constituted to go into the environmental related issues. It is also an expert body. Matters such as the present one are to be filed before the said forum.

6. We therefore dismiss this writ petition with liberty to the writ petitioner to file an appropriate application before the National Green Tribunal, Chennai. If the writ petitioner files such an application within one week from the date of receipt of a copy of this order, the same can very well be entertained without reference to limitation. No costs. Consequently, connected miscellaneous petition is closed.

33. I state that the above order of the Hon'ble Madras High Court has not been complied with by the said Worayur Village



  
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Agricultural Sangam and the period also expired, however, the present Appellant had approached this Hon'ble Authority with an inordinate delay of about one year have filed these appeals raising frivolous grounds. The ground raised by the appellant with respect to the classification/re-classification of land on which the plant is untenable as the matter is sub judice before the Hon'ble High Court and the same cannot be determined before this Hon'ble Authority. Secondly, the Site is located 6 kms from the City; 5 kms from Chattiram Bus Stand and it is accessible by all main roads. The faecal sludge is transported by licensed transporters for treatment. Furthermore, there is buffer zone of thick vegetation between plant and fish market.

34. I state that subsequently during the pendency of the present appeals, on 22.03.2018 the Appellant herein filed an application in O.A. 159/2018 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi for issuance of directions to immediately stop the construction of FSTP and other necessary action against the plant. The primary contention raised by the appellant was based on non-compliance of EIA Notification 2006. The Hon'ble NGT dismissed the application observing the following;-

*"The primary contention raised on behalf of the applicant is based on non-compliance of EIA Notification, 2006 and principle laid down in the case of Khehar Singh Vs. State of Haryana.*

*The respondents have come with a specific case that the EIA Notification, 2006 does not apply to the instant case for the simple reason that the waste sought to be treated is only human faecal. He has referred to the relevant provision in the reply, filed by them in this regard. Further, it has been*



  
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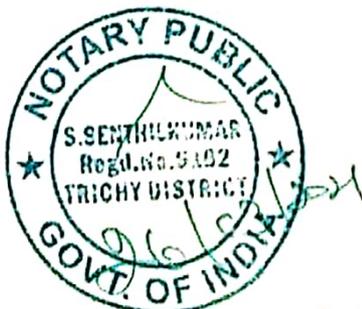
*submitted that the case of Khehar Singh Vs. State of Haryana does not apply to the present matter.*

*Learned Counsel for the respondent has referred to relevant extract of the said case in para 46 and 47 of the reply. The ratio of the said case is that the material consideration for determining the nature of the project or the activity is the kind of effluent that it is received for the purpose of treatment.*

*The case of the respondent herein is that it shall exclusively treat the human faecal waste and nothing else. Moreover, the Pollution Control Board has already granted consent under 27 of the Air (Prevention and Control of Pollution) Act 1981 on 07.01.2017 and the Local Body Authority has given approval on 28.02.2017. In view of the aforesaid facts and circumstances and particularly the fact that all requisites clearances have been obtained and wherever those clearances have been put under challenge on their conclusions, consequences will follow.*

*In views of the above, the original application (159 of 2018) is dismissed, without any order as to cost"*

- 35.** I state that parallelly, the Appellant on 05.04.2018 had filed a Writ Petition in W.P. 7664/2018 before the Hon'ble Madurai Bench of Madras High Court against reclassification of plant area to Industrial Zone. The Hon'ble Court was pleased to grant status quo of the project, however, no stay was granted therein and the said Writ Petition is pending.



  
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36. I state that at the course of the hearing, the appellant raised additional grounds that did not form a part of the original appeal. The Hon'ble Appellate Authority directed the appellant to file additional grounds and a corresponding additional counter was also filed to that effect.
37. I state that the Appellant herein contends that the plant is a 'red category' industry and is located within 1km from Uyyakondan Channel and within 5 km from Kudamurti and Kasi channels, tributaries of Cauvery river. Since they are located with such proximity, according to the Appellant the plant ought to have set up only after obtaining sanction from the State Government by the virtue of G.O.127 & 223. The second contention raised as additional grounds is that no approval has been granted in accordance with the procedure laid down under the EIA Notification issued by the MOEF. Thirdly, the appellant contend that Section 16 and 19 of the Solid Waste Management Rules have not been adhered to. Finally, it is also contended by the appellant that the Plant has been set up in violation of National Action Plan for Municipal Solid Waste.
38. I state that all the grounds raised by the appellant ought to be rejected as they are misleading, incorrect and based on wrong premises. The Appellant have equated Sewage Treatment Plant and Faecal Sludge treatment plant. They are distinct and the same has been affirmed by the Hon'ble NGT. Sewage is generated by residential, institutional, commercial and industrial establishments. It includes liquid waste from industry and commerce. Faecal sludge management (FSM) (or faecal sludge management in British English) is the collection, transport, and treatment of fecal sludge from pit latrines, septic tanks or other onsite sanitation systems. It is only the Sewage Treatment



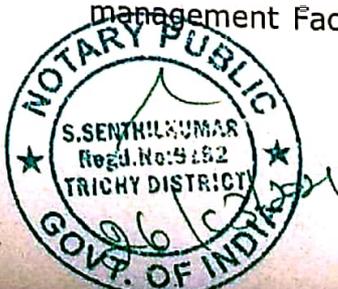
  
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Plant which is a red category industry and not the Faecal Sludge Treatment Plant. The government orders have no application.

**39.** I state that the present project is only to treat faecal sludge and not the municipal wastes, hence there is no other approval is necessary except the Consent Orders from the Tamil Nadu Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974. Even assuming without admitting that the present project is requires any other approval from the Tamil Nadu Pollution Control Board and the same will be obtained since the project at the initial stage of establishment i.e., prior to operation if required by the Tamil Nadu Pollution Control Board.

**40.** I state that in so far as the argument with respect to EIA Notification and SWM Rules, 2016 are concerned, it is not mandatory to obtain Environmental Clearance or approval from the Ministry of Environment Forest and Climate Change, Government of India or from any authorities under the Environment Impact Assessment (EIA) Notification, 2006, since the subject project doesn't find place in the Schedule of EIA Notification, 2006. I state that the SWM RULES , 2016 cannot be applied to the present case since the solid waste that is being generated is not treated or disposed off at the project site but will be collected and transported to a designated off site dump yard, for which clearances have already been obtained. I further state that even if any clearance or approval is required to be obtained, the same will be complied with accordingly.

**41.** I state that the argument of the appellant with regard to the subject project falls under Schedule 7(i) of the EIA Notification deals with Common Municipal Solid Waste management Facility is concerned, the subject project is only to



  
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treat faecal sludge from the houses and hence the present project does not come under the purview of EIA Notification.

42. I state that the appellant herein has already approached the Hon'ble National Green Tribunal, New Delhi against the present project with a prayer that the proposed project requires Environmental Clearance under Schedule 7 (i) of EIA Notification, in O.A. No 159 of 2018 and the same was dismissed on 04.12.2018.

43. I state that being aware of the above, once again with a malafide intention the Appellant raised the issue of Environmental Clearance though the Hon'ble NGT has already decided and held in its judgment dated 12.09.2013 in OA No. 124 of 2013 in the matter of Khehar Singh Vs. State of Haryana at Paragraph No. 46 while dealing with the establishment of Sewage Treatment Plant (STP), which is classified as "red category" as follows"-

*"46. The bare reading of the above shows that establishment, expansion and even modernisation of CETPs require EC, being a category B project. Any treatment plant that deals with such effluents having more than 10% of industrial contributions by volume has to be treated as a combined treatment plant. On the strength of this guide, it becomes clear that the material consideration for determining the nature of the project or activity is the kind of effluent that it receives for the purpose of treatment. There is nothing on record before us to show that the STP in question is so established as to treat exclusively sewage and nothing else. On the contrary, the sketch filed by the respondent (Annexure R.3) shows that the sewage is carried by an open drain*



  
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and would be so carried to the site of STP (for treatment). It is just by the side of a metal road and travels through the abadi and the sludge is carried through an open drain from the entire city. This is demonstrable of the fact that it is not sewage per se that is taken by the open drain to the site but is a mixture of various distinct effluents. Thus, such an STP would even fall under the entry 7(h) because this plant would be treating the effluents in the semi-solid form and even sludge and would contain more than 10% of industrial or other contaminated chemical effluents. Such a plant is not only treating the effluents/sewage but also has to ensure that the ultimate discharge from such plant is strictly within the parameters prescribed so that the waste water is capable of being used for irrigation or recycled for other purposes while the other waste/sludge is to be properly disposed of. This is where the respondent has failed to place scientific data on record to show that it is exclusively the sewage which is capable of being treated to bring the ultimate discharge within the prescribed parameters of Bio- chemical Oxygen Demand (BOD) and others and also to ensure its proper re-use or recycling. We can reasonably conclude that the open nallah does not carry only the sewage waste but other effluents as well which are required to be treated by a CETP and the capability of the STP requires scientific and appropriate scrutiny from an expert body before it can be permitted to become operational and it is a fit case where it would cover combined waste water treatment plant i.e. CETP excepting sewage along with industrial effluents”.



  
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44. I state that it is apparent from the above judgment that any project which contributes 10% of industrial/trade effluent, it require Environmental Clearance, however, as far as the present project is concerned it treats only the domestic faecal matter collected from the houses/septic tanks and the same is not classified as "Red Category", which do not have any industrial/trade effluents, hence the present project is not required EC under EIA Notification.

45. I state that the argument of the appellant with regard to the permission for Common Municipal Solid Waste Management Facility is misleading and wrong. I state that as stated above, the subject project is not come within the purview of EIA Notification. Further, the Hon'ble National Green Tribunal, Southern Zone at Chennai in its judgment dated 25.02.2016 in the matter of M.Paul Rose & another Vs. The Secretary to Government, Department of Environment, Forest and Climate Change in OA No. 100 of 2015, while dealing with the establishment of Solid Waste Management held as follows:-

*"37. From the above judgement and applying the same to the facts of the present case taking note of the fact that the 6th respondent has made application for authorisation under MSW Rules, 2000 to establish Municipal Solid Waste Processing Facility in the area of 4.2 ha in S.R.No. 278/1B and applied for Consent to Establish separately for Biomethanation Plant in the remaining area of 0.3 acre, the same cannot be termed as a CMSWMF within the purview of item 7(i) of MSW Rules. Therefore, we hold that prior EC under the facts and circumstance of the case is not necessary to be obtained and the 6th respondent is entitled to proceed with the scheme".*



  
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46. I state that the present project is only at the preliminary stage of establishment, however any permission is required, the same will be obtained prior to the operation of the proposed plant. Hence the question of approval under SWM Rules does not arise. In case if the Tamil Nadu Pollution Control Board insists for any authorization besides the Consents under Air and Water Acts, the same will be obtained from the Board.

47. I state that the Hon'ble National Green Tribunal further held in the above judgment in OA No. 100 of 2015 as follows:-

*"38. While parting with, we have to make mention about a fact that a public project like this is attempted to be scuttled due to private dispute even among the municipal members and its president and such activity ignoring the common interest of the people is to be discouraged. The sustainable development is not for the purpose of scuttling any of public projects but it must be balanced with the public interest of course by following the best technology available in respect of the scheme with intent to preserve environment. In any event the development for social benefit shall not be curtailed. On an analysis of the facts of this case we have to mention that no issues of great environmental importance have been raised by the applicants. ...."*

48. I state that in the present case also, the appellant is attempting to stall the public project for its vested interest with a malafide intention. In any case, the



  
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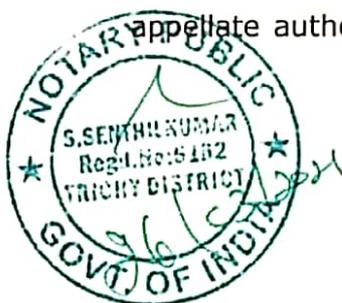
interest of larger public is more important than the private vested interest of an individual.

**49.** I state that the land of 4 Acres owned by this Respondent Corporation in the above referred land is bifurcated into three parts. The western part is the site proposed for Faecal sludge treatment plant, while the southern part is for a proposed fish market. The centre portion is proposed for a buffer zone consisting of thick vegetation between the Faecal sludge treatment plant and fish market. The site is located at the distance of 6 Km away from the centre of the City. Besides, the entire process of the plant would take place sub surface and therefore no odour would emanate and also no human contact is ensures. The bifurcation is as follows:-

- a. 1.5 acres for fish market,
- b. 1.5 acres for faecal sludge treatment plant and
- c. the remaining 1 acre of land for green belt area which proposed to be formed in between the fish market and faecal sludge treatment plant.

**50.** I state that this Respondent Corporation has proposed to use a small portion of land of an extent measuring 30 Mtr. x 27 Mtr. = 810 Sq.Mtr (8,715.60 Sq.Ft.,) for car parking facility in the site in question for fish market, which is highlighted in the sketch annexed herewith. There is enough land is available for this Respondent to establish the proposed Faecal Sludge Treatment Plant, adjacent to which, green belt area of about 1 Acre is also available.

**51.** Considering all of the above, I state that the learned appellate authority has upheld the consent orders issued by the



  
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TNPCB and has permitted this respondent to continue with the project. I state that this respondent has not violated any guidelines or provisions laid down by the Tamil Nadu Pollution Control Board or any other authority nor has this respondent committed any other violation in this regard.

Under these circumstances, I respectfully pray that this Hon'ble Tribunal may be pleased to dismiss the above appeals as devoid of merits with costs and pass any other order as it may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Tiruchirappalli this the 26<sup>th</sup> day of March, 2021

  
COMMISSIONER  
Tiruchirappalli City Corporation

**3<sup>rd</sup> RESPONDENT**

Re: Nos 303/98

  
26/03/2021



**S.SENTHILKUMAR, M.A., B.L.**  
ADVOCATE & NOTARY PUBLIC  
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Senthaneerapuram, Trichy-620 004

NOTARY PUBLIC  
GOVT. OF INDIA  
REGN No:6162

Mobile No: 9894116755

**VERIFICATION**

I, Sivasubramanian, Son of Mr.Subbiah, aged about 58 years, having office at Bharathidasan Salai, Cantonment, Trichy, do hereby verify that the contents of Paragraph Nos. 1 to 51 are true to the best of my knowledge and Paragraph Nos. 1 to 51 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Tiruchirappalli on this the 26<sup>th</sup> day of March, 2021

  
**COMMISSIONER**  
 Tiruchirappalli City Corporation

Rel No M3 303/98

**3<sup>rd</sup> RESPONDENT**



  
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